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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.												
10/826,465	04/16/2004	Joseph E. Kaminkow	112300-2205	1481												
7590 Bell Boyd & Lloyd LLC P.O. Box 1135 Chicago, IL 60690		11/28/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">SAX, STEVEN PAUL</td></tr></table> <table border="1"><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2174</td><td></td></tr></table> <table border="1"><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>11/28/2007</td><td>PAPER</td></tr></table>		EXAMINER		SAX, STEVEN PAUL		ART UNIT	PAPER NUMBER	2174		MAIL DATE	DELIVERY MODE	11/28/2007	PAPER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/826,465

Applicant(s)

KAMINKOW ET AL

Examiner

Steven P. Sax

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-160 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 7, 11-16, 19, 21-28, 32-43, 46, 50-55, 58, 60-67, 71-78 and 88-160 is/are allowed.
- 6) ☒ Claim(s) 79, 81-83 and 87 is/are rejected.
- 7) ☒ Claim(s) 80 and 84-86 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This application has been examined. The amendment filed 9/17/07 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 79, 81-83 and 87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cole et al (6612574) and Walker et al (6561903).

4. Regarding claim 79, Cole et al show: a gaming device including at least one display device and at least one input device (abstract, Figures 1-2, column 2 lines 9-40); said gaming device configured to:

(i) after a player makes a first wager at a first time using said at least one input device, (a) cause a first random generation of a first plurality of symbols from a first set of symbols, said first set of symbols including a plurality Of different symbols, (b) cause said display device to display said generated first plurality of symbols, and (c) cause any awards associated with any first winning symbol or

symbol combinations of said generated first plurality of symbols to be provided to the player (column 2 lines 47-55, column 3 lines 50-67, column 4 lines 1-37 and 45-60),

(ii) after the player makes an input to change said symbols at a second subsequent time using said at least one input device: (d) cause a change on the at least one display from the first set of symbols to a second set of symbols, said second set of symbols being different than the first set of symbols, said second set of symbols including a plurality of different symbols than said symbols in said first set of symbols (column 5 lines 50-65, column 6 lines 7-32),

(iii) after the player makes a second wager using said at least one input device,

(e) cause a second random generation of a second plurality of symbols from the second set of symbols which are not in the first set of symbols, (f) cause said display device to display said generated second plurality of symbols, and (g) cause any awards associated with any second winning symbols or second winning symbol combinations of said generated second plurality of symbols to be provided to the player, and such that the server at least in part causes (d) (column 6 lines 35-55, column 7 lines 5-30 and 40-55, column 8 lines 1-12, column 10 lines 11-26 and 32-59).

Cole et al do not go into the details of the remote server, but do mention a variety of data sources for the gaming device for efficient transmission of data.

Furthermore, Walker et al do show using a server as a data source for the gaming

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device, for efficient transmission of data (abstract, column 3 lines 25-50). It would have been obvious to a person with ordinary skill in the art to have this in Cole et al, because it would provide an efficient transmission of data.

5. Regarding claim 81, Cole shows the first designated symbol and the second designated symbols are on the same reel (column 7 lines 39-59 for example).

6. Regarding claim 82, Cole shows the first designated symbol and the second designated symbols are on different reels (column 6 lines 20-45, column 7 lines 39-59).

7. Regarding claim 83, Cole shows the first designated symbol and the second designated symbols are the same symbol (column 6 line 20-45 and column 7 lines 39-59).

8. Regarding claim 87, the server causes many of the functions, including causing the display of symbols (Walker et al column 3 lines 20-50 for example). The obviousness to have this in Cole et al follows the same reasoning as that given in paragraph 4 of this Office Action.

9. Claims 80 and 84-86 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These claims bring out the detailed gaming and indicia functionalities, which in combination with the other features are not set forth in the prior art of record.

10. Claims 1-4, 7, 11-16, 19, 21-28, 32-43, 46, 50-55, 58, 60-67, 71-78, 88-160 are allowable over the prior art of record. These claims bring out the detailed gaming and indicia functionalities, which in combination with the other features are not set forth in the prior art of record.

11. Applicant's arguments filed have been fully considered but they are not persuasive. The amendment to claim 79 is not enough to overcome the prior art of record. The second symbols in Cole are different than those of the first set.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

